

REMARKS

Claims 1-39 are pending in the Application. Claims 1 and 12 remain rejected under 35 U.S.C. §102(e). Claims 2-11, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 15-39 are allowed.

Applicants cancelled claims 1 and 12 without prejudice or disclaimer. Hence, claims 2-11 and 13-39 are pending in the Application. Applicants cancelled claims 1 and 12 only to expedite the issuance of claims 2-11 and 13-39 and not in response to the Examiner's cited art. Applicants reserve the right to file a continuation patent application to capture the subject matter of originally filed claims 1 and 12.

Applicants amended claim 2 to be rewritten in independent form. Hence, claims 2-11, 13 and 14 are allowable. Applicants respectfully request the Examiner to issue a notice of allowance allowing claims 2-11 and 13-39.

Applicants note that claim 2 was not amended to overcome prior art but to be rewritten in independent form. Hence, no prosecution history estoppel arises from the amendment to claim 2. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendment made to claim 2 was not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such an amendment. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

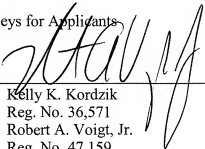
As a result of the foregoing, it is asserted by Applicants that claims 2-11 and 13-39 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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